Wyoming Department of Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Dave Freudenthal, *Governor*
John Etchepare, *Director*

June 6, 2008

Lance Porter, Manager
BLM, Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Dear Mr. Porter:

Following are the comments of the Wyoming Department of Agriculture (WDA) on the Normally Pressured Lance (NPL) Environmental Assessment (EA) prepared for the Rock Springs and Pinedale Field Offices of the Bureau of Land Management.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We are disappointed at the lack of analysis depicted in the EA for range and livestock grazing resources. The description of the affected environment, the analysis of the environmental consequences, and the proposed action are all incomplete. The impacts upon livestock grazing and rangeland health deserve more thorough analysis.

Regarding livestock grazing, the Federal Land Policy and Management Act of 1976 states, "The Congress declares that it is the policy of the United States that: … the public lands be managed in a manner … that will provide food and habitat for fish and wildlife and domestic animals…." Congress understood that livestock grazing is an important resource use of federal lands. As such, the impacts upon that resource by proposed energy developments deserve thorough analysis.

Regarding the importance of rangeland health, the Wyoming State Office of the Bureau of Land Management in 1997 published "Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming." This document states in its introduction, "The standards apply to all resource uses on public lands." Certainly, these standards apply to the impacts created by energy development

Thus, we expected the NPL EA to provide a thorough analysis of the impacts upon livestock grazing and rangeland health by the proposed energy development project. It doesn't. However, the NPL EA includes information that is irrelevant to the impacts the NPL energy development will have on livestock grazing and range resources. Examples follow.

Chapter Three, Affected Environment.

The following was not identified, disclosed, or described in the discussion in Chapter Three on range resources and livestock grazing.

- Percentages of allotments that will be affected by this energy development. (Yet, rough estimates of acreages provided indicate anywhere from 25 to 50 percent of some allotments could be impacted by this proposed development.)
- Number of cattle and sheep AUMs affected by this development.
- Number of grazing permittees.
- Whether allotments were primarily cow-calf or yearling operations. (The proposed energy development would affect these operations differently.)
- Impacts by well and infrastructure development and operations upon pastures with corrals essential for livestock gathering and shipping activities.
- Impacts on lambing and calving.
- Timing of lambing, calving, trailing, as well as grazing.
- Acknowledgement of ranchers' extensive knowledge of the area about livestock management and local information, such as where snow blows free or collects, when the country opens up, when the ice comes out of the storm channels, and where and when wildlife move within allotments. This information is useful in planning and reducing impacts, and ranchers should be encouraged to participate in coordinating long-term development production and reclamation activities.
- Reliance of livestock on artesian water wells and seeps that could be affected by energy development.
- Importance of fences to control livestock within allotments and to manage season and duration of use to improve riparian and uplands vegetation communities, and the impacts of opened gates, cut fences, and poorly repaired gates and fences to range and livestock grazing management.
- The importance of ranchers and range specialists being able to continue to use water developments, fencing, pasture rotations, vegetation treatments, monitoring sites, and other tools to improve watershed cover, riparian habitat, upland plant communities, and to otherwise provide the food and habitat for livestock, as called for in the Federal Land Policy and Management Act of 1976.

At a minimum, all of these aforementioned items should have been included in the Range Resources section of the Affected Environment chapter, but were not. Yet some items that were included do not belong. The all-too-short one paragraph description of affected environment begins with a sentence on rangelands being managed to follow the Standards of Healthy Rangelands, yet the introduction for this document clearly states that the standards apply to all resource values. These standards do not apply only to livestock grazing. Yet, the inclusion of this reference in the only paragraph in Chapter Three to discuss grazing resources infers that these standards apply specifically to livestock grazing, when in fact they do not.

Furthermore, Table 3-12 which is entitled, Grazing Allotments in the NPL Project Area, identifies whether Healthy Rangeland Standards are being on each allotment. Yet, whether standards are being met or not may be due to many causes, including road construction and road traffic, OHV (Off Highway Vehicle) and other recreational activities, energy development, wildlife, fires, and a whole host of other causes, including livestock grazing. To categorize whether standards are being met by allotment and imply that the reasons for those standards are not being met is solely the responsibility of livestock grazing is blatantly biased reporting that does not belong in this document.

This table also includes the management category for each allotment. Again, this categorization has nothing to do with the impacts of this proposed energy development on range resources and livestock grazing management.

Chapter Four, Environmental Consequences

Again, this chapter fell far short of identifying the full range of likely environmental consequences upon range resources, including livestock grazing. In fact, the descriptions were misleading. As an example, the section begins by erroneously claiming that the primary impact to grazing resources would be the loss of forage, and the loss is only temporary. Table 4-5 compounds this deception by listing the short-term and long-term disturbance acreages for each allotment. This characterization grossly underestimates the environmental consequences upon livestock grazing of this project.

One, the disturbance acreages only include well development acreages and do not include infrastructure acreages.

Two, and most importantly, this disingenuous mischaracterization either intentionally or inadvertently implies that the environmental consequences of this energy development are inconsequential. That is not only misleading, it simply is not true.

The loss of forage along with all of the other impacts created by this energy development create serious short- and long-term consequences for livestock grazing management for both grazing permittees and range specialists. Some of these impacts are all-too-briefly mentioned: displacement of livestock, damage to range improvements (fences, cattle guards, water wells, water impoundments), increased competition with wildlife, spread of noxious weeds, disruptions of seasonal movements of livestock, movement of livestock into unpermitted areas, ingesting fluids from reserve pits due to inadequate fencing, increased roads and traffic, increased traffic-caused livestock deaths (not injuries), dust accumulation on forage, and excessive grazing pressure on vegetation caused by displacements and concentrations of animals.

However, the EA fails to mention the following impacts.

- Permanent loss of forage created by roads, pipelines, and other ancillary facilities.
- Introduction of weeds and other non-native, invasive species.
- Impacts on shipping pastures and corrals.

- Impacts on lambing and calving areas.
- The increased complexity and time needed to herd livestock around development activities.
- The loss of management flexibility that has to be sacrificed to avoid or minimize operational conflicts.
- The increased time, labor, and costs exacted upon grazing permittees and range specialists.
- Reduced weight gain of livestock.
- Reduced time that could be better spent to fulfill other needed livestock grazing management responsibilities.
- Impacts on water resources.
- Increased erosion.
- Dead and ill livestock caused by the introduction and spread of halogeton.
- Failed reclamation, which, unfortunately, has become the norm, while successful reclamation has become the exception.
- The prolonged number of years of failed reclamation.
- The lower palatability of vegetation and increased dust upon animal health, increasing the likelihood of ailments such as dust pneumonia.
- The requirement of lower stocking rates due to all of the other environmental consequences.

We believe that the description of Environmental Consequences upon rage resources and livestock grazing management falls far short of an adequate analysis.

Proposed Action

As can be quickly and accurately imagined by the inadequate descriptions of the Affected Environmental and Environmental Consequences, the Proposed Action is likewise deficient.

We request the following be added to the Proposed Action in consideration of the severe environmental consequences imposed upon range resources and livestock grazing management.

- Coordination annually or more often when necessary with grazing permittees to discuss problems encountered during the past grazing season, agreed-upon corrective actions, and planned energy developments and operations during the next grazing seasons. These meetings are necessary to allow remedial actions on behalf of the energy operators and to allow livestock operators and range management specialists to plan reasonable and necessary changes in grazing management.
- At a minimum, introductory and annual briefings of energy development and operational workers on the environmental consequences created by their activities, and actions to take to prevent or minimize these consequences.

- Provision of a plan specific to pastures or regions so grazing permittees can plan activities/work around development to reduce conflicts.
- Coordination with grazing permittees on seasonal movements of livestock.
- Immediate reporting by energy operator personnel of damage to livestock and livestock facilities to both BLM and grazing permittees. Establishment of a reporting procedure to BLM and grazing permittees.
- Enforcement of speed limits by advising and disciplining employees and contractors as necessary.
- Erecting signs in lambing/calving areas, shipping pastures, or adjacent to working corrals.
- Improve road surfaces on newly constructed or improved local and collector roads with 95 percent compaction on the road base and non-chorine dust abatement product or suitable alternative treatment each year.
- Reclamation plans and timely successful implementation to restore livestock forage and habitat
- Consideration of other actions to mitigate the loss of forage and habitat and in consideration of the many other adverse environmental consequences created by this energy development project.

We realize that the proposed energy development occurs both in the planning areas of the Rock Springs and the Pinedale Field Offices. We also appreciate the fact that the NPL EA was prepared by a contractor for the energy operators. Nonetheless, we believe the shortcomings to the NPL EA mentioned above need to be addressed in any decision resulting from this EA. We further recommend communications occur with appropriate officials in both field offices so that the shortcomings represented in this EA won't be replicated in the environmental analyses of other proposed energy development projects.

We appreciate the opportunity to comment on the NPL EA, we encourage your continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions about this project.

Sincerely,

John Etchepare
Director

JE/dc
cc: Governor's Planning Office
Wyoming Game and Fish Department